

Defendant's objections are misplaced. As highlighted by MSA in its Response in Opposition to North River's Objections (Doc. No.s 369, 390), the record contains more than sufficient information to support the Special Discovery Master's determination that North River's demand that MSA produce all products-related documents without limitation in scope as to product, time period, or custodian would cause an undue burden on MSA which far outweighs the likely benefit of such discovery. North River has not demonstrated that the Special Discovery Master committed clear error in ascertaining the factual underpinnings leading to this assessment.

Moreover, it is clear that continuing to pursue such open-ended requests in light of the documents and information produced in this and the concomitant state court production seeks to impose production obligations that would be both extensively cumulative and unduly burdensome. Productions of the magnitude under review necessarily must take account of the technical capacities available and the physical manpower needed to complete the undertaking. Merely noting a few instances that lend support to the inference that the opponent may have more responsive documents somewhere in the 80 year net cast by the initial open-ended requests does not provide sound reason to conclude that what has been produced and/or the method by which it has been assembled and produced is/are meaningfully deficient or strategically evasive. Such perceived shortcomings and imperfections properly are pursued in follow-up discovery.

s/ David Stewart Cercone
David Stewart Cercone
United States District Judge

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